

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

ERIC SHAWN RAY, <i>Plaintiff,</i> v. TOM PITTMAN, in his individual capacity, <i>Defendant.</i>	Case No. CIV-20-471-RAW-JAR
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ORDER

Before the court are the Motion for Sanctions [Docket No. 88] and Motion to Confess Motion for Sanctions [Docket No. 92] of Defendant Tom Pittman, in his individual capacity, seeking sanctions, including dismissal of the case, for Plaintiff's failure to comply with court ordered discovery as well as sanctions under Rule 37(b) for plaintiff's failures to meet discovery obligations, and the United States Magistrate Judge Robertson's Report and Recommendation (R&R) [Docket No. 96]. This case was referred to Magistrate Judge Robertson for all pretrial and discovery matters, including dispositive motions, pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72 .

Plaintiff is a *pro se* prisoner who filed this civil rights actions pursuant to 42 U.S.C. § 1983 on December 16, 2020. The Complaint named eight defendants seven of which have previously been dismissed from the action. During the pendency of the case numerous discovery failures and disputes have arisen culminating in the defendant's Motion for Sanctions and Motion to Confess Motion for Sanctions requesting dismissal.

The Magistrate Judge found that Plaintiff failed to comply with court orders to respond to discovery requests, refused to cooperate in his deposition, and caused defendant to be prejudiced by his actions.

Upon consideration of the motions, the briefing, and the record, the Magistrate Judge issued the R&R [Docket No. 96] on June 12, 2024, recommending that Defendant's Motion for Sanctions [Docket No. 88] and Motion to Confess Motion for Sanctions [Docket No. 92] should be granted and the case dismissed in its entirety. Any objections to the R&R were to be filed within fourteen days. No objections have been filed.

The court finds that the R&R is well-supported by the evidence and the prevailing legal authority. Accordingly, the R&R [Docket No. 96] is hereby AFFIRMED and ADOPTED as this court's Findings and Order. Plaintiff's Motion for Sanctions [Docket No. 88] and Motion to Confess Motion for Sanctions [Docket No. 92] are hereby GRANTED and the case dismissed without prejudice.

IT IS SO ORDERED this 18th day of September, 2024.



**THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA**